

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU

&

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Con.Case(C).No. 1121 of 2007(S)

NON-COMPLIANCE OF THE JUDGEMENT IN WP(C) NO.31451/2005 Dated 12/12/2006

PETITIONER : PETITIONER NO.1:

SAJEEVAN K.K., AGED 37 YEARS,
S/O.KUNHIRAMAN, KUTTIKUNNUMAL, KADACHIRA P.O.,
KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT: RESPONDENT NO.1:

SRI.SIVAJA DAS, SECRETARY,
KERALA PUBLIC SERVICE COMMISSION, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.ALEXANDER THOMAS, SC,KPSC

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

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Dated this the 19th September, 2007

JUDGMENT

H.L.DATTU, C.J.

The complainant was one of the petitioners in W.P.(C) No.31451 of 2005. His allegation in the Writ Petition was that persons who have passed the S.S.L.C. Examination have been selected and appointed to the post of Electricity Worker/Mazdoor in the Kerala State Electricity Board in Kannur District. According to him, the eligibility criteria prescribed in the notification issued inviting applications for the aforesaid post was that the applicant should not have passed the S.S.L.C. Examination.

2. Taking into consideration the grievance of the petitioners, a Bench of this Court, while disposing of the Writ Petition by its judgment dated 12th December, 2006, had directed the Kerala Public Service Commission ('Service Commission' for short) to investigate into the grievances made out by the petitioners through the help of their Vigilance Officer.

3. According to the petitioners, 128 candidates, who were selected and appointed as Electricity Worker/Mazdoor, had passed S.S.L.C. Examination and, therefore, they were ineligible to be appointed as Mazdoor in the Electricity Board in Kannur District.

4. After disposal of the Writ Petition, the Vigilance Officer attached to the Service Commission has conducted a detailed investigation and has submitted a report to the Service Commission. In the report, the Vigilance Officer has stated as under:

“Among the 128 candidates who are said to have passed S.S.L.C. as per the allegation of rank holders association were issued notice to turn up for enquiry and to produce certificate from the concerned Panchayath President and their School Authorities related to educational qualification. Out of the 128 candidates 117 turned up with relevant records to prove their qualification. It is understood that out of the 117 turned up 56 candidates appeared for S.S.L.C. but failed. 53 candidates have not attended S.S.L.C. 4 candidates namely, (1) Rafeek C.P., rank No.504 appeared S.S.L.C. on March 2005 (2) Hashim.K., rank No.9 of supplementary list appeared S.S.L.C. on March 2002 (3) Jaison Joseph, rank No.136 appeared S.S.L.C. on March 2005 and (4) Adithyan Valiyapurayil, rank No.395 appeared S.S.L.C. on March 2006 and passed. The above four candidates have passed S.S.L.C. after attending the competitive K.P.S.C. Test for Mazdoor in Kerala State Electricity Board in Kannur District. In this contest it is amply proved that they have not passed S.S.L.C. prior to the submission of their application for the post of Mazdoor in Kerala State Electricity Board.

Four other candidates namely Swaraj.M., rank No.275, Suresh.A., rank No.491, Joseph Scariya, rank No.138 and Pradeepan. P.V., rank No.248 have appeared for S.S.L.C. in 2005 and 2006 and failed. Hence the above 4 candidates are also to be treated as not passed S.S.L.C. prior to their submission of application to the post of Mazdoor in Kerala State Electricity Board, Kannur.

Out of the 128 candidates a total number of 11 have not turned up for enquiry. Among the 11 candidates Sudhakaran, K.K., rank No.5 and Sudheer. V.M., rank No.201 resigned from the Mazdoor post on 24.3.2004 and 25.3.2004 respectively from Thalassery Sub Division and Azheekkodu

Substation. The above 2 candidates have passed S.S.L.C. and hence resigned due to guilty conscience. Among the 11 candidates three persons namely Sajith Chingam, Rank No.199, Lineman, Electrical Section Paradu, Kannur District, Divakaran Thiruvananth Manakkadavan, Rank No.102, Lineman Gr.II, Electrical Section Paradu, Kannur District and Wilfred Raj, Rank No.66, Kozhivila Puthen Veedu, Kulathur, Uchakkada P.O., Thiruvananthapuram have not received the notices due to the change of address. The remaining six candidates namely Raveendran Kuttiyaden, Rank No.217, Lineman Grade II, Electrical Section Kolecheri, Kannur, N.Suresh, Rank No.76, Lineman Gr.I, Electrical Section, Dharmasala, Kannur, Anilkumar, Rank No.27, Lineman, Electrical Section Ranni, Pathanamthitta, Unnikrishnan.K.K., Rank No.80, Kunnappillil House, Mullaringad P.O., Thodupuzha and Prasad C.K., Rank No.113, Vanditharayil, Edavattom P.O., Thalayolaparambu, Kottayam and Sivan P.T., Rank No.353, Parayamveli House, Elathikkara P.O., Puthenvelikkara via, Ernakulam District have not turned up for enquiry. Since these six candidates have not turned up for enquiry, the shadow of doubt falls on them.

The enquiry so far conducted revealed that the allegation raised by the rank holders association is exaggerated. The rank holders association may be asked to produce any authentic proof to reveal that the appointed candidates have passed S.S.L.C. examination. The elaborate but confidential enquiry did not help to collect evidence leading to the discovery of the pass in the S.S.L.C. by the appointed candidates. In these circumstances it is to be presumed that the allegation of the rank holders association to a certain extent is baseless.”

5. Having gone through the report of the Vigilance Officer, we are fully satisfied that the Vigilance Officer has conducted the investigation as ordered by this Court while disposing of W.P.(C) No.31451 of 2005. In that view of the matter, we cannot take cognizance of the allegations made by the complainant in this contempt petition. Therefore, placing on record the

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report of the Vigilance Officer, the contempt proceedings are dropped.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

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